

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Civil Action No. 2:23-cv-00052-JRG

JURY TRIAL DEMANDED



**DECLARATION OF MATTHEW BLAIR IN SUPPORT OF ENTROPIC'S
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS THE SECOND
AMENDED COMPLAINT FOR IMPROPER VENUE PURSUANT TO
FRCP 12(b)(3)**

I, Matthew Blair, declare as follows:

1. I am over 18 years of age and competent to make this declaration. If called to testify as a witness, I could and would testify truthfully under oath to each of the statements in the declaration. I make each statement below based on my personal knowledge or after investigation of the relevant information.

2. I am an attorney at K&L Gates, LLP, counsel of record for Plaintiff, Entropic Communications, LLC (“Plaintiff” or “Entropic”). I am licensed to practice law in the State of Texas.

3. On January 30, 2023, Defendant Charter Communications, Inc. (“Charter”) moved to dismiss the second amended complaint on the basis that venue is improper.

4. I make this Declaration based on my personal knowledge and in support of Entropic’s Opposition to Defendants’ Motion to Dismiss the Second Amended Complaint for Improper Venue Pursuant to FRCP 12(b)(3).

5. Attached as Exhibit A is an excerpted copy of the transcript of the deposition of Thomas Proost, corporate deponent for Charter.

6. Attached as Exhibit B is an excerpted copy of the transcript of the deposition of Daniel Boglioli, corporate deponent for Charter.

7. Attached as Exhibit C is a true and correct copy of the Amended and Restated Limited Liability Company Agreement of Time Warner Cable Texas LLC—which is now Spectrum Gulf Coast, LLC—produced by Charter in this litigation.

8. Attached as Exhibit D is a true and correct copy of the Second Amended and Restated Management Agreement between Charter Communications Operating, LLC and Charter Communications, Inc., produced by Charter in this litigation.

9. Attached as Exhibit E is an excerpted copy of the lease agreement for a Spectrum store located in Beaumont, Texas, produced by Charter in this litigation.

10. Attached as Exhibit F is a printout of the United States Patent and Trademark Office's Trademark Electronic Search System (TESS), showing the status of the word mark "SPECTRUM," accessed on December 29, 2022.

11. Attached as Exhibit G is a true and correct copy of the officer/director list for Charter Communications, Inc., produced by Charter in this litigation.

12. Attached as Exhibit H is a true and correct copy of the officer/director list for Spectrum Gulf Coast, LLC, produced by Charter in this litigation.

13. Attached as Exhibit I is a printout of Charter's website, showing the company biography of Paul Marchand, available at <https://corporate.charter.com/leadership/paul-marchand>, accessed on January 3, 2023.

14. Attached as Exhibit J is a printout of Charter's website, showing the company biography of Tom Monaghan, available at <https://corporate.charter.com/leadership/tom-monaghan>, accessed on January 3, 2023.

15. Attached as Exhibit K is an excerpted copy of Charter Communications, Inc.'s Form 10-K Annual Report for the year ending December 31, 2020.

16. Attached as Exhibit L is a printout of Charter's website available at <https://corporate.charter.com/about-charter>, accessed on November 28, 2022.

17. Attached as Exhibit M is a true and correct copy of an Application for Fixed Satellite Service by Spectrum Northeast, LLC, available at <https://fcc.report/IBFS/SES-ASG-20200522-00563>, accessed on January 6, 2023.

18. Attached as Exhibit N is a true and correct copy of a document identified as “Attachment Exhibits E and F” to the Application for Fixed Satellite Service (Exhibit M to this Declaration), available at <https://fcc.report/IBFS/SES-ASG-20200522-00563/2362560>, accessed on January 6, 2023.

19. Attached as Exhibit O is a printout of Charter’s website, available at <https://www.spectrum.com/locations/tx/plano/700-alma-dr>, accessed on December 29, 2022.

20. Attached as Exhibit P is a printout of Charter’s website, showing service packages available for the address 13286 Guerin Dr., Frisco, TX 75035, available at <https://www.spectrum.com/address/localization?zip=75035&a=13286+Guerin+Dr&serviceVendorName=twc&v=ORG&omnitureId=4f8456d9-c71e-4429-95c0-92c76957a824>, accessed on January 5, 2023.

21. Attached as Exhibit Q is a printout of Charter’s website, showing a job posting for a Retail Sales Specialist in Beaumont, Texas, available at <https://jobs.spectrum.com/job/beaumont/retail-sales-specialist-bilingual-spanish-18-00-per-hour-plus-commission-and-incentives/4673/39929994304>, accessed on November 30, 2022.

22. Exhibit R is omitted.

23. Attached as Exhibit S is a printout of the Texas Office of the Comptroller’s website, showing the franchise tax account status of Spectrum Gulf Coast, LLC as of January 10, 2023.

24. Attached as Exhibit T is a printout of the Missouri Secretary of State’s business entity search website, showing the search results for “spectrum gulf coast” as of January 10, 2023.

25. Attached as Exhibit U is a photograph taken outside a Spectrum facility located at 1414 Summit Avenue, Plano, Texas 75074.

26. Attached as Exhibit V is a true and correct copy of the Spectrum Residential Internet Services Agreement, produced by Charter in this litigation.

27. Attached as Exhibit W is a true and correct copy of Charter Communications, Inc.'s 2021 annual shareholder report.

28. Attached as Exhibit X is a printout of a press release entitled "Charter Officially Opens New State-of-the-Art Corporate Headquarters in Stamford," available at <https://corporate.charter.com/newsroom/charter-officially-opens-corporate-headquarters-in-stamford-ct>, accessed on January 10, 2023.

29. Attached as Exhibit Y is a true and correct copy of Charter's Mutual Arbitration Agreement, produced by Charter in this litigation.

30. Attached as Exhibit Z is a true and correct copy of a Master Purchase Agreement, produced by Charter in this litigation.

31. Attached as Exhibit AA is a true and correct copy of a Master Equipment Lease Agreement, produced by Charter in this litigation.

32. Attached as Exhibit AB is a true and correct copy of a Request for Quote document, produced by Charter in this litigation.

33. Attached as Exhibit AC is a printout of Charter's website available at <https://policy.charter.com/resource-hub/our-employees>, accessed on February 19, 2023.

Executed on May 5, 2023 in Austin, Texas.

/s/ Matthew Blair
Matthew Blair